

REMARKS

Claims 1 and 3-9 remain in the application and have been amended hereby.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 112, second paragraph, as being indefinite.

The claims have been amended hereby to overcome the objections raised by the examiner. In regard to the recitation of the delivery condition data in claim 1, this data is the data that is received by the information providing apparatus so that the proper delivery condition can be designated by the delivery designating means. The delivery condition includes one of a transmission band and a transmission medium to be used for delivering the content data and is designated based on the delivery condition data that is received over the bi-directional network.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 102(e), as being anticipated by Colby et al.

The present invention is concerned with providing information in a internet type environment and includes an information providing apparatus 101 that is connected through a bi-directional network 105 to an information delivery apparatus 102 that manages the delivery of the content data provided by the information providing apparatus to a receiving terminal unit 103. Claims 1 and 3-5 are concerned with the information providing apparatus 101 and claims 6-9 are concerned with the information delivering apparatus 102. Of

importance in the present invention is passing the delivery condition data to the information processing apparatus from the information delivering apparatus, as shown in Fig. 2 wherein the communication controller 204 provides to the delivery designating unit 203 the delivery condition information obtained over the bi-directional network.

In regard to the information delivery apparatus, information is received from the actual receiving terminal concerning the listening and watching habits of the receiving terminal, which information is stored and utilized in both selecting the structuring band for use in transmitting the information and also structuring a charging process based on the profile. As seen in Fig. 3, both the communication controllers 301 and 308 send and receive information over the bi-directional network and in the case of the communication controller 301, the content data from the information providing apparatus is received and charging information is sent to the information providing apparatus by that communication controller 301.

Thus, it is a feature of the present invention that all of the structural elements of the present invention both send and receive information concerning the content data to be provided and ultimately received by the receiving terminal unit.

The claims have been amended hereby to emphasize the above-noted features of the present invention.

Colby et al. provides a system in which there are three

individual users, as well, the content providers termed publishers, the users of the content, and the administrators who manage the system. Colby et al. provides a detailed description of a network and system employing a number of servers to control broadcasting of program materials, Colby et al. does not describe the delivery designating unit contained in the information providing apparatus as in the presently claimed invention. Furthermore, Colby et al. does not show an actual system but merely describes the manner in which the software would operate to control the publisher system, shown in Fig. 5, for example.

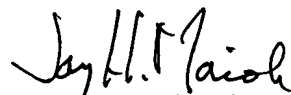
Thus, it is respectfully submitted that Colby et al. also fails to show or suggest the first and second communicating means, as taught by the present invention and as recited in the amended claims.

Accordingly, it is respectfully submitted that Colby et al. fails to anticipate the present invention as recited in the amended claims.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
COOPER & DUNHAM LLP



Jay H. Maioli  
Reg. No. 27, 213

JHM:tb